
2021 Legislative Update: Week 9

Overview

Legislators returned to Montgomery this week after a planned Spring Break ready to begin the second half of the 2021 Regular Session. Representatives and Senators met for two legislative days this week with numerous committee meetings held on Wednesday.

Legislators advanced bills relating to the habitual offender law, alcohol, vaping, medical marijuana, guns, and open records. Additionally, two legislative vacancies in Shelby County took one more step in getting filled.

Habitual Offender Law

A bill to repeal Alabama's habitual offender law was favorably reported out of the House Judiciary Committee this week and is now in a position to be voted on by the full House. After a contentious discussion in committee, the legislation, House Bill 107 by Rep. Chris England of Tuscaloosa, was ultimately approved on a 9-5 vote. In addition to repealing the state's Habitual Felony Offender Act, the bill also provides for resentencing for defendants whose sentences were based on the Habitual Felony Offender Act.

Alcohol

The House on Thursday passed two bills related to alcohol, sending one to the Governor and the other to the Senate. Senate Bill 126 by Sen. Jabo Waggoner of Vestavia Hills allows for the home delivery of beer, wine, and liquor. The deliveries can be from grocery stores, liquor stores, or restaurants, and must be made in accordance with strict protocols, including the requirement that a person 21 years or older must be present to receive the delivery. The legislation was strongly pushed by grocery delivery company Shipt, among other proponents. Managed in the House by Rep. Gil Isbell of Gadsden, the bill now goes to Governor Ivey for her signature.

Separately, a bill by Rep. Terri Collins of Decatur allows up to 12 cases of wine to be directly shipped to a customer's home over the course of a year. Shippers would be regulated to some degree, and, unlike Senate Bill 126, wine shipments could be made to homes in dry counties or wet counties. The bill now goes to the Senate, where it is expected to be managed by Sen. Waggoner.

Vaping

The House passed a bill on Tuesday that would ban the sales of e-cigarettes and vaping products to people under 21. The bill, House Bill 273 by Rep. Barbara Drummond of Mobile, changes Alabama law to match the federally established age for purchasing all tobacco products, including vapes and e-cigarettes. The bill also requires the Alabama Department of Revenue to build and maintain a directory of businesses that sell and manufacture vape cartridges, with businesses having to pay to be included in the directory. The bill passed on a bipartisan vote of 74-18 and now heads to the Senate.

Medical Marijuana

In addition to the bill repealing the Habitual Felony Offender Law, this week's House Judiciary Committee agenda also included legislation by Sen. Tim Melson of Florence legalizing the use of smokeless cannabis for certain medical reasons. Several committee members indicated that they each had multiple amendments to offer to the bill, prompting Chairman Jim Hill to carry the bill over one week. The committee is expected to finally vote on the bill, Senate Bill 46, next week, after which it will also have to be favorably reported by the House Health Committee, meaning the bill likely will not reach the House floor, if at all, for another two weeks.

Concealed Carry

After a 25-6 vote, the Alabama Senate on Thursday approved Senate Bill 308, a bill sponsored by Sen. Randy Price of Opelika that standardizes the process for issuing concealed carry permits, a process that currently varies county-by-county. The bill creates a lifetime concealed carry permit as well as a one- and five-year permit, as well as a statewide database listing persons prohibited from obtaining a permit. Under the version of the bill that passed the Senate, no fee would be charged for permits issued to service members, veterans, or law enforcement officers. The bill now heads to the House.

Open Records

A bill by Sen. Arthur Orr of Decatur that strengthens Alabama's public records law passed the Senate Judiciary Committee on Wednesday. Senate Bill 165, among other things, sets a response time that agencies would have to respond to records requests. State law doesn't currently set such a time limit. The bill also sets reasonable costs to provide requested documents, and would also establish a public access counselor within the Alabama Department of Examiners of Public Accounts tasked with deciding on whether to extend time limits for requests. Even with the bill advancing out of committee, however, the sponsor acknowledges that there's still work to do before the bill hits the Senate floor. Certain groups representing state and local public employees, for example, note that the legislation may overburden staff who are charged with responding to open records requests. Orr stated that he plans to meet with interested parties before the bill advances any further.

Election Update

Former Sen. Cam Ward's appointment as Director of the Board of Pardons and Paroles and former Rep. Matt Fridy's election to the Alabama Court of Civil Appeals left two legislative vacancies in Shelby County. On Tuesday, voters in Senate District 14 and House District 73 went to the polls to select Ward and Fridy's successors. Former Rep. April Weaver, who retired from the House when she was appointed to a position in the US Department of Health and Human Services, bested a three-person Republican field to setup a July 13 General Election contest against Democrat Virginia Applebaum. On the House side, the 5-person Republican field was narrowed down to the top two vote-getters, Army veteran Kenneth Paschal and Helena City Councilwoman Leigh Hulse, who received 27 percent and 30 percent of the vote respectively. Paschal and Hulse will face off in a runoff election on April 27, with the winner facing Democrat Sheridan Black in the July 13 General Election.

Statistics

Through 18 legislative days, representatives and senators have introduced 974 bills – 591 in the House and 383 in the Senate – and 257 resolutions. As of this writing, 138 of those measures have been signed into law.

Legislators can meet for no more than 30 legislative days during a regular, and the session must adjourn on or before midnight on Monday, May 17. Representatives and Senators return to Montgomery on April 6 for the 20th legislative day. The Legislature will meet for three days next week.

This Client Alert is for information purposes only and should not be construed as legal advice. The information in this Client Alert is not intended to create and does not create an attorney-client relationship.